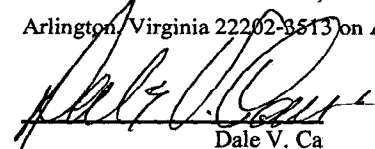


TTAB

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Assistant Commissioner for Trademarks, TTAB, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on **August 16, 2002**.

  
Dale V. Ca



08-19-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #10

**IN THE UNITED STATES PATENT & TRADEMARK O. ---  
TRADEMARK TRIAL & APPEAL BOARD**

Hewlett-Packard Company	§	Opposition No.: 121,759
	§	
Opposer	§	Trademark Application No. : 75/858,178
	§	
v.	§	
	§	Published: U. S. Official Gazette
HopOne Internet Corporation	§	September 26, 2000
	§	TM 94
Applicant	§	

**MOTION FOR SANCTIONS**

Hewlett-Packard Company, Opposer in the above-referenced matter, files this Motion for Sanctions and in support thereof would show as follows:

By Order of the Board dated July 30, 2002, the Board granted Opposer's Motion to Compel Discovery as conceded. Additionally, the Board gave Applicant thirty days from the mailing date of the Order to answer the discovery requests as put and, in the event that Applicant failed to comply with the Order, the Board indicated it might entertain any formal motion for sanctions pursuant to Trademark Rule 2.120(g). Since the date of that Order, Applicant has not provided any further response to the discovery requests and, accordingly, has violated the court's Order of July 30, 2002. Opposer hereby seeks sanctions pursuant to Rule 2.120(g) and Rule 37(b) of the Federal Rules of Civil Procedure.

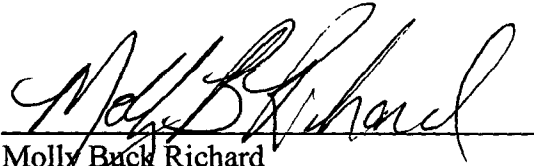
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Opposer filed its proceeding on January 3, 2001 and on May 25, 2001 Opposer served its discovery requests to Applicant. Applicant responded to those discovery requests; however, the responses were not in accordance with the Federal Rules of Civil Procedure. In particular, no documents were produced, Applicant did not respond to the Request for Admissions in accordance with the Federal Rules of Civil Procedure and did not verify the Answers to Interrogatories. Accordingly, Opposer filed a Motion to Compel Discovery on October 3, 2001. Applicant has proceeded pro se in this matter which has resulted in numerous unnecessary pleadings and orders from the Board. Given the history of this case and Applicant's disregard of the Board's previous order, Opposer requests that judgment be entered for Opposer and that Application Serial No. 75/858,178 be refused registration. Alternatively, Opposer requests that an appropriate sanction is that the Opposer's Requests for Admission be deemed admitted and that, with such admissions, judgment be rendered for Opposer on the basis that Applicant has admitted that its mark contains a prominent depiction of the letters "HP," that Applicant was aware of Opposer's services rendered under the HP trademark, that Applicant's use of its mark is likely to cause confusion with Opposer's HP marks, that Applicant's mark dilutes the distinctive quality of Opposer's marks and that Opposer's HP trademark is famous.

WHEREFORE, Opposer requests an Order from the Board granting this Motion for Sanctions and either granting judgment for Opposer or, alternatively, deeming all Requests for Admissions admitted and granting judgment for Opposer.

Dated this 16<sup>th</sup> day of August, 2002.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Molly Buck Richard", written over a horizontal line.

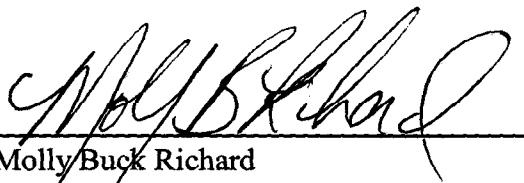
Molly Buck Richard  
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Attorney for Opposer,  
HEWLETT-PACKARD COMPANY

502917 000037 DALLAS 1474859.1

### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing **Motion for Sanctions** has been forwarded this 16<sup>th</sup> day of August, 2002 to:

Mr. Haralds Jass  
President & CEO  
HopOne Internet Corporation  
1010 Wisconsin Avenue NW, Suite 303  
Washington, D.C. 20007-3603



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Molly Buck Richard